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## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that: --

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### Flash Update Using a Trusted Platform Module

the specification of which: (check one)

XXX is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_  
under Attorney's Docket Number RPS9 2001 0046  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

I hereby claim the benefit of foreign priority under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application the priority of which is claimed:

Prior Foreign Application(s):

Priority Claimed

\_\_\_\_ Yes \_\_\_\_ No

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

I hereby claim the benefit of United States priority under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial #) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status) \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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ORIGINALLY FILED**

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Daniel E. McConnell	Reg. No. 20,360	George E. Grosser	Reg. No. 25,629
Martin J. McKinley	Reg. No. 31,782	John D. Flynn	Reg. No. 35,137
John Bruce Schelkopf	Reg. No. 43,901	Stephen G. Sullivan	Reg. No. 38,329
Andrew J. Dillon	Reg. No. 29,634	Michele Liu	Reg. No. 44,875
Janyce R. Mitchell	Reg. No. 40,095	Matthew W. Baca	Reg. No. 42,277
Joseph A. Sawyer	Reg. No. 30,801	Anthony P. Ng	Reg. No. 43,427
Brian F. Russell	Reg. No. 40,796	Albert B. Kimball, Jr.	Reg. No. 25,689
Kelly K. Kordzik	Reg. No. 36,571	Ronald V. Davidge	Reg. No. 33,863

Customer No. 25299

Send correspondence to, IBM Corporation, Personal and Printing Systems Group, Legal Dept., Dept. 9CCA/Bldg. 002-2, Research Triangle Park, NC 27709 and direct all telephone calls to George Grosser, at (919) 254-4753.

FULL NAME OF INVENTOR: Steven Dale Goodman

INVENTOR's SIGNATURE: *Steven Dale Goodman* DATE: 8/13/01

RESIDENCE: 5153 Jeffries Street, Raleigh, NC 27606

CITIZENSHIP: US

POST OFFICE ADDRESS: Same as residence

FULL NAME OF INVENTOR: James Patrick Hoff

INVENTOR's SIGNATURE: *James Patrick Hoff* DATE: 8/13/01

RESIDENCE: 2901 Alder Ridge Lane, Raleigh, NC 27603

CITIZENSHIP: US

POST OFFICE ADDRESS: Same as residence

FULL NAME OF INVENTOR: Randall Scott Springfield

INVENTOR's SIGNATURE: *Randall Scott Springfield* DATE: 8/13/2001

RESIDENCE: 107 Garden Gate Drive, Chapel Hill, NC 27516

CITIZENSHIP: US

POST OFFICE ADDRESS: Same as residence

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FULL NAME OF INVENTOR: James Peter Ward

INVENTOR's SIGNATURE: James Peter Ward DATE: 8/13/01

RESIDENCE: 107 Hemingway Forest Place, Raleigh, NC 27607

CITIZENSHIP: US

POST OFFICE ADDRESS: Same as residence

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PATENT

In place of Form PTO-1595

DOCKET NUMBER: RPS9 2001 0046

**RECORDATION FORM COVER SHEET - PATENTS**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy thereof:

**1. Name of conveying party(ies):**

Steven Dale Goodman  
James Patrick Hoff  
Randall Scott Springfield  
James Peter Ward

**2. Name and address of receiving party:**

INTERNATIONAL BUSINESS MACHINES CORP.  
New Orchard Road  
Armonk, New York 10504

Additional name(s) & address(es) attached?

     Yes XXX No

**3. Nature of conveyance:** XXX Assignment: August 13, 2001.

**4. Application or patent number(s):**

If this document is being filed together with a new application, the execution date of the application: August 13, 2001.

**Title:** Flash Update Using a Trusted Platform Module

A. Patent Application No.(s): RPS9 2001 0046

B. Patent No.(s):

**5. Name and address of party to whom correspondence concerning document should be mailed:**

INTERNATIONAL BUSINESS MACHINES CORP.  
Intellectual Property Law Dept.  
Personal and Printing Systems Group  
Dept. 9CCA/002-2  
P. O. Box 12195  
RTP, NC 27709-2195

**6. Total number of applications and patents involved:** 1

**7. Total fee (37 CFR 3.41):** \$ 40.00

Authorized to be charged to deposit account

**8. Deposit account number:** 09-1990

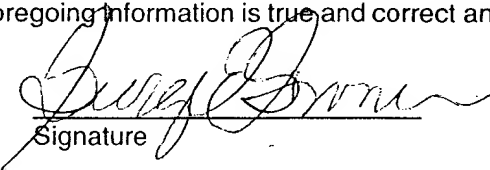
(Duplicate copy of this sheet is attached)

**DO NOT USE THIS SPACE**

**9. Statement and signature:**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

George E. Grosser  
Name of Person Signing

  
Signature

8/15/01  
Date

Total number of pages including cover sheet, attachments and document:

Mail document(s) to be recorded with required cover sheet information to: 3

Assistant Commissioner for Patents  
Box Assignments  
Washington, D. C. 20231

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## ASSIGNMENT

Whereas, we,

- |     |                                               |                                                    |
|-----|-----------------------------------------------|----------------------------------------------------|
| (1) | Steven Dale Goodman<br>County of Wake         | of Raleigh,<br>and State of North Carolina,        |
| (2) | James Patrick Hoff<br>County of Wake          | of Raleigh,<br>and State of North Carolina,        |
| (3) | Randall Scott Springfield<br>County of Orange | of Chapel Hill,<br>and State of North Carolina and |
| (4) | James Peter Ward<br>County of Wake            | of Raleigh,<br>and State of North Carolina         |

have invented certain improvements in

### Flash Update Using a Trusted Platform Module

and executed a United States patent application therefor on the following date(s):

- (1) Aug 13, 2001  
(2) Aug 13, 2001  
(3) 08/13/, 2001 and  
(4) Aug 13, 2001.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby acknowledge our prior existing obligation and hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of the United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed and sealed:

LOCATION

DATE

SIGNATURE

RTP, NC

8/13/01

Steven Dale Goodman  
Steven Dale Goodman

RTP, NC

8/13/01

James Patrick Hoff  
James Patrick Hoff

RTP, NC

8/13/2001

Randall Scott Springfield  
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8/13/01

James Peter Ward  
James Peter Ward